

**SIXTIETH LEGISLATIVE DAY  
THURSDAY, MARCH 10, 2005**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Representative Shepherd(2).

The Pledge of Allegiance was led by Jessinah Schaefer.

**Approval of Journal**

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

**Report of Standing Committees**

Mrs. Crow asked unanimous consent that **H 306** be placed on General Orders for consideration. There being no objection, it was so ordered.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HP 3, HJM 7, H 309, H 310, H 311, H 312, H 313, and H 314** and House Amendments to **S 1142, H 203, H 197, H 174, H 208, H 101, H 160, and H 247**.

FIELD(18), Chairman

**H 310** and **H 313** were referred to the State Affairs Committee.

**H 311** and **H 312** were referred to the Resources and Conservation Committee.

**H 314** was referred to the Revenue and Taxation Committee.

**HP 3, HJM 7, and H 309** were filed for second reading.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 113, H 146, and H 147**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 113, H 146, and H 147**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 203**, as amended, **H 197**, as amended, **H 174**, as amended, **H 208**, as amended, **H 101**, as amended, **H 160**, as amended, and **H 247**, as amended.

FIELD(18), Chairman

**H 203**, as amended, **H 197**, as amended, **H 174**, as amended, **H 208**, as amended, **H 101**, as amended, **H 160**, as amended, and **H 247**, as amended, were filed for first reading of engrossed bills.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 106, H 48, H 42, H 43, and H 11**, as amended in the Senate, to the Governor at 1:10 p.m., as of this date, March 9, 2005.

FIELD(18), Chairman

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 13** and **HCR 14** to the Secretary of State at 11:44 a.m., as of this date, March 9, 2005.

FIELD(18), Chairman

March 9, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 280, H 281, and S 1052** and recommend that they do pass.

STEVENSON, Chairman

**H 280, H 281, and S 1052** were filed for second reading.

March 9, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 284** and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

**H 284** was held at the desk.

March 9, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under

consideration **S 1039**, as amended, **S 1040**, **S 1064**, **S 1065**, **S 1067**, **S 1053**, and **S 1068**, as amended, and recommend that they do pass.

FIELD(18), Chairman

**S 1039**, as amended, **S 1040**, **S 1064**, **S 1065**, **S 1067**, **S 1053**, and **S 1068**, as amended, were filed for second reading.

March 9, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **S 1122** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

**S 1122** was held at the desk.

March 9, 2005

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration **H 138** and recommend that it do pass.

SCHAEFER, Chairman

**H 138** was filed for second reading.

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 110** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

**H 110** was held at the desk.

There being no objection, the House advanced to the Twelfth Order of Business.

#### Consideration of General Orders

Mr. Denney moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Ms. Jaquet. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Moyle in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

#### Report of the Committee of the Whole House

March 10, 2005

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration **H 306** and report it back

without recommendation, amended as follows:

#### HOUSE AMENDMENT TO H 306

##### AMENDMENT TO SECTION 1

On page 7 of the printed bill, in line 26, following "site" delete "." and insert: "; or"; and following line 26 insert: "(c) Two million dollars (\$2,000,000) of property tax paid in any one (1) calendar year."

MOYLE, Chairman

Mr. Moyle moved that the report be adopted. Seconded by Mr. Denney.

Whereupon the Speaker declared the report adopted.

**H 306**, as amended, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

##### HOUSE CONCURRENT RESOLUTION NO. 20

##### BY EDUCATION COMMITTEE

##### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING THE TEACHER MENTORING PROGRAM AND COMMENDING TO THE STATE BOARD OF EDUCATION CREATION OF A TASK FORCE TO DEVELOP A TEST PROGRAM MODELING TEACHER MENTORING AND ENCOURAGING PARTICIPATION AND COOPERATION FROM THE STATE DEPARTMENT OF EDUCATION, SCHOOL DISTRICT TRUSTEES AND SUPERINTENDENTS IN LOCAL SCHOOL DISTRICTS, AND TEACHERS IN THE SCHOOLS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, specific school districts developed mentoring programs over the course of past years to promote teacher development and improvement; and

WHEREAS, the Legislature recognized the potential of mentoring programs and adopted a statute mandating a mentoring program according to State Department of Education guidelines to foster teacher professional development and increase student achievement; and

WHEREAS, initially, the mentoring program was approved with state funding to support the mandate, but since 2003 there has been no state funding and there is no projected future funding; and

WHEREAS, some school districts have struggled to provide quality mentoring programs and there is a need to determine effective methods of professional teacher development that are consistent across school districts enhancing teacher growth,

ensuring fiscal accountability, and standardizing data collection for measuring program effectiveness; and

WHEREAS, a well-designed and reasonably funded mentoring program for teacher training can lead to improved student performance through professional development for teachers.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature commends to the State Board of Education that the Board adopt a course of action appointing a task force to research, formulate and implement models to pilot and evaluate teacher support programs. Models tested may include current Idaho programs and practices or other teacher support programs and practices used in other states. The model project shall be implemented over the next two years demonstrating teacher support and professional development effectiveness and cost efficiency, and to determine how teacher support and development improves and increases student achievement levels. The task force shall use nonstate funds to perform the aforesaid activities, to design, collect and evaluate standardized programmatic and fiscal data, and to closely monitor the pilot programs. The task force shall provide a progress report to the House of Representatives Education Committee and the Senate Education Committee in 2006, and a final report in 2007. The final report should include, at a minimum, recommendations for statewide teacher support program components, funding requirements, and necessary administrative rules for implementation. The Legislature further encourages participation and cooperation from the State Department of Education, school trustees and superintendents in local school districts, and teachers in the schools.

**HCR 20** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 315  
BY EDUCATION COMMITTEE  
AN ACT**

RELATING TO SUPPORT PROGRAMS FOR EMPLOYEES OF SCHOOL DISTRICTS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE ADDITIONAL AUTHORITY TO SCHOOL TRUSTEES TO PROVIDE SUPPORT FOR TEACHERS IN THEIR FIRST YEAR IN THE PROFESSION; AND AMENDING SECTION 33-514, IDAHO CODE, TO DELETE THE REQUIREMENT THAT SCHOOL DISTRICTS PROVIDE SUPPORT PROGRAMS FOR CERTIFICATED EMPLOYEES DURING THEIR FIRST THREE YEARS WITH THE DISTRICT.

**HOUSE BILL NO. 316  
BY APPROPRIATIONS COMMITTEE  
AN ACT**

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2006; TRANSFERRING

MONEYS FROM THE LIQUOR CONTROL FUND TO THE COURT SERVICES FUND; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 317  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO LIMITATION ON BUDGET REQUESTS BY TAXING DISTRICTS; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE GRAMMATICAL CORRECTIONS AND TO PROVIDE THAT THERE SHALL BE NO INCREASE ABOVE THE THREE PERCENT PROPERTY TAX CAP ATTRIBUTABLE TO NEW CONSTRUCTION OR CHANGE OF LAND USE CLASSIFICATION IN A REVENUE ALLOCATION AREA OPERATED BY AN URBAN RENEWAL AGENCY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 318  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO THE MINE LICENSE TAX; AMENDING SECTION 47-1206, IDAHO CODE, TO PROVIDE FOR A LICENSE TAX ON CYANIDATION FACILITIES AND TO PROVIDE FOR DISTRIBUTION OF MONEYS COLLECTED; AMENDING SECTION 47-1513, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS, TO CREATE THE CYANIDATION FACILITY CLOSURE FUND, TO PROVIDE FOR WHAT THE MONEYS IN THE FUND MAY BE EXPENDED AND TO PROVIDE FOR UNENCUMBERED AND UNEXPENDED BALANCES IN THE SURFACE MINING RECLAMATION FUND AND THE CYANIDATION FACILITY CLOSURE FUND.

**HOUSE BILL NO. 319  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO PROPERTY TAX; AMENDING CHAPTER 6, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-602HH, IDAHO CODE, TO EXEMPT FROM PROPERTY TAX THE NET TAXABLE VALUE OF ALL PROPERTY OF A TAXPAYER IN EXCESS OF EIGHT HUNDRED MILLION DOLLARS WITHIN A SINGLE COUNTY, TO PROVIDE APPLICATION TO OWNED REAL PROPERTY AND TO OWNED, LEASED OR RENTED PERSONAL PROPERTY, TO PROVIDE THAT LEASED OR RENTED PERSONAL PROPERTY INCLUDED IN THE CALCULATION OF THE EXEMPTION SHALL NOT BE ASSESSABLE AGAINST THE OWNER OF SUCH PROPERTY, TO PROVIDE AN ORDER IN WHICH A TAXPAYER MAY DESIGNATE PROPERTY TO WHICH THE EXEMPTION APPLIES, TO PROVIDE FOR DESIGNATION IN CERTAIN INSTANCES, TO PROVIDE REQUIREMENTS FOR CAPITAL INVESTMENT AND JOBS, TO PROVIDE FOR NO OTHER PROPERTY TAX EXEMPTIONS WITH AN EXCEPTION AND TO PROVIDE FOR RULES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**H 315, H 316, H 317, H 318, and H 319** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1142**, as amended in the House, by Health and Welfare Committee, was introduced, read the first time by title, and filed for second reading.

### First Reading of Engrossed Bills

**H 203**, as amended, and **H 208**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time by title and filed for second reading.

**H 197**, as amended, and **H 160**, as amended, by Business Committee, were introduced, read the first time by title and filed for second reading.

**H 174**, as amended, by Agricultural Affairs Committee, was introduced, read the first time by title and filed for second reading.

**H 101**, as amended, by Transportation and Defense Committee, was introduced, read the first time by title and filed for second reading.

**H 247**, as amended, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

### Second Reading of Bills and Joint Resolutions

**H 302, H 303, H 304, and H 305**, by Appropriations Committee, were read the second time by title and filed for third reading.

**H 266, HJM 4, H 286, and H 291**, by State Affairs Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Fifth Order of Business.

### Report of Standing Committees

**H 284, S 1122, and H 110**, held at the desk, were placed on General Orders for consideration.

There being no objection, the House advanced to the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

**H 296** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

Mr. Lake asked unanimous consent that **H 296** be placed on General Orders for consideration. Mr. Bedke objected.

Mr. Lake moved that **H 296** be placed on General Orders for consideration. Seconded by Mrs. McGeachin.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Barrett, Bastian, Black, Boe, Bradford, Garrett, Henbest, Jaquet, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Nielsen, Pasley-Stuart, Pence, Ring, Ringo, Roberts, Rusche, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Smith(30), Smith(24), Smylie, Trail, Wood. Total -- 33.

NAYS -- Anderson, Andrus, Barraclough, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Hart, Harwood, Henderson, Jones, Kemp, McKague, Moyle, Nonini, Raybould, Rydallch, Shirley, Skippen, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 37.

Total -- 70.

Whereupon the Speaker declared the motion failed.

The question being, "Shall **H 296** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jones, Kemp, Mathews, McKague, Nielsen, Nonini, Raybould, Roberts, Rydallch, Schaefer, Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 49.

NAYS -- Boe, Jaquet, Lake, LeFavour, Loertscher, Martinez, McGeachin, Miller, Mitchell, Moyle, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Sali, Sayler, Shepherd(2), Smith(30), Trail, Wood. Total -- 21.

Total -- 70.

Whereupon the Speaker declared **H 296** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 297** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bayer to open debate.

The question being, "Shall **H 297** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford,

Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Stevenson. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 297** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**HJM 6** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Rydalch to open debate.

The question being, "Shall **HJM 6** be adopted?"

Whereupon the Speaker declared **HJM 6** adopted by voice vote and ordered the memorial transmitted to the Senate.

**HCR 18** was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Boe to open debate.

The question being, "Shall **HCR 18** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Barrett. Total -- 1.

Absent and excused -- Black, Stevenson. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **HCR 18** adopted and ordered the resolution transmitted to the Senate.

**H 60** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open

debate.

At this time Mr. Denney took the Chair.

The question being, "Shall **H 60** pass?"

Roll call resulted as follows:

AYES -- Andrus, Barrett, Bayer, Bedke, Bilbao, Block, Bolz, Bradford, Cannon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Field(18), Field(23), Garrett, Hart, Harwood, Loertscher, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Raybould, Roberts, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Snodgrass, Stevenson, Wood. Total -- 39.

NAYS -- Anderson, Barraclough, Bastian, Boe, Chadderdon, Clark, Eskridge, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ring, Ringo, Rusche, Sayler, Skippen, Smith(30), Smith(24), Smylie, Trail, Wills. Total -- 28.

Absent and excused -- Bell, Black, Mr. Speaker. Total -- 3.

Paired Vote:

AYE -- Bilbao. NAY -- Lake.

(Pair enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 60** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 283** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Miller to open debate.

The question being, "Shall **H 283** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 63.

NAYS -- None.

Absent and excused -- Bell, Black, Cannon, Deal, Lake, Nielsen, Mr. Speaker. Total -- 7.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 283** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one

Legislative Day. There being no objection, it was so ordered.

There being no objection, the House returned to the Fifth Order of Business.

#### **Report of Standing Committees**

March 10, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 319**.

FIELD(18), Chairman

**H 319** was referred to the Revenue and Taxation Committee.

There being no objection, the House advanced to the Sixteenth Order of Business.

#### **Adjournment**

Mr. Moyle moved that the House adjourn until 10 a.m., Friday, March 11, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:52 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk